

SEYFARTH SHAW LLP  
William J. Dritsas (State Bar No. 097523)  
Andrew M. McNaught (State Bar No. 209093)  
560 Mission Street, Suite 3100  
San Francisco, California 94105  
Telephone: (415) 397-2823  
Facsimile: (415) 397-8549

Attorneys for Defendant  
TURNER CONSTRUCTION COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MELINDA GALARSA,

Plaintiff,

vs.

GALLETTI & SONS, INC., TURNER  
CONSTRUCTION COMPANY, DAVID  
SANDOVAL, and DOES 1 through 10,  
Inclusive,

Defendants.

) USDC Case No. C-07-2354 CRB

)  
) California Superior Court, County of  
) Alameda, Case No. RG07316544

) **STIPULATION AND [PROPOSED]**  
) **ORDER FOR DISMISSAL WITH**  
) **PREJUDICE OF PLAINTIFF'S CLAIM**  
) **FOR INTENTIONAL INFLICTION OF**  
) **EMOTIONAL DISTRESS, AND FOR**  
) **REMAND TO STATE COURT**

The parties at issue in the above-captioned matter, MELINDA GALARSA, GALLETTI & SONS, INC., and TURNER CONSTRUCTION COMPANY, by and through their attorneys of record, hereby stipulate as follows:

Plaintiff MELINDA GALARSA's claim for Intentional Infliction of Emotional Distress ("IIED") against all Defendants shall be dismissed with prejudice.

Plaintiff's remaining claims are statutory claims based solely on the California Fair Employment & Housing Act ("FEHA"). Without the IIED tort claim, there is no basis for federal jurisdiction based on the L.M.R.A, Section 301 preemption, as set forth in Defendant

1 TURNER CONSTRUCTION'S Notice of Removal, filed on April 30, 2007. Accordingly, the  
2 parties stipulate that the case be remanded to state court for adjudication of plaintiff's remaining  
3 FEHA claims.

4  
5 Respectfully Submitted:

6  
7 DATED: June \_\_\_, 2007

SEYFARTH SHAW LLP

8  
9 By \_\_\_\_\_  
10 William J. Dritsas  
Andrew M. McNaught

11 Attorneys for Defendant  
12 TURNER CONSTRUCTION COMPANY

13 DATED: June \_\_\_, 2007

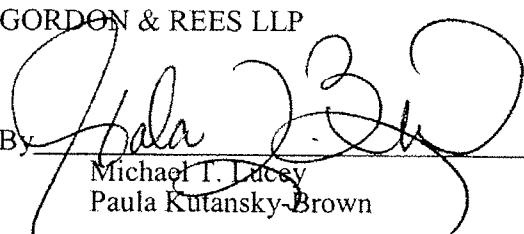
WINER, MCKENNA & DAVIS, LLP

14  
15 By \_\_\_\_\_  
Emile A. Davis

16 Attorneys for Plaintiff  
17 MELINDA GALARSA

18 DATED: June \_\_\_, 2007

GORDON & REES LLP

19  
20 By  \_\_\_\_\_  
Michael T. Lucey  
Paula Kutansky-Brown

21 Attorneys for Defendant  
22 GALLETTI & SONS, INC.

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7 DATED: June \_\_, 2007

SEYFARTH SHAW LLP

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10 William J. Dritsas  
Andrew M. McNaught

11 Attorneys for Defendant  
12 TURNER CONSTRUCTION COMPANY  
13 WINER, MCKENNA & DAVIS, LLP

14 DATED: June 8, 2007

15 By  \_\_\_\_\_  
Emile A. Davis

16 Attorneys for Plaintiff  
17 MELINDA GALARSA

18 DATED: June \_\_, 2007

GORDON & REES LLP

19  
20 By \_\_\_\_\_  
21 Michael T. Lucey  
Paula Kutansky-Brown

22 Attorneys for Defendant  
23 GALLETTI & SONS, INC.

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3 FEHA claims.

4  
5 Respectfully Submitted:

6  
7 DATED: June 12<sup>th</sup>, 2007

SEYFARTH SHAW LLP

8  
9 By 

William J. Dritsas  
Andrew M. McNaught

10  
11 Attorneys for Defendant  
TURNER CONSTRUCTION COMPANY

12  
13 DATED: June \_\_, 2007

WINER, MCKENNA & DAVIS, LLP

14  
15 By \_\_\_\_\_

Emile A. Davis

16  
17 Attorneys for Plaintiff  
MELINDA GALARSA

18 DATED: June \_\_, 2007

GORDON & REES LLP

19  
20 By \_\_\_\_\_

Michael T. Lucey  
Paula Kutansky-Brown

21  
22 Attorneys for Defendant  
GALLETTI & SONS, INC.

~~PROPOSED~~ ORDER

Based on the Parties' stipulation, and good cause appearing, Plaintiff's claim for Intentional Infliction of Emotional Distress is hereby DISMISSED WITH PREJUDICE. The case is REMANDED to the California Superior Court, County of Alameda, for adjudication of Plaintiff's remaining statutory claims under the California Fair Employment & Housing Act.

IT IS SO ORDERED.

Dated: June 13, 2007

